

TOWNSHIP OF WALL
ORDINANCE NO. 41 -1990

AN ORDINANCE AUTHORIZING THE CONVEYANCE OF TITLE TO CERTAIN LANDS OWNED BY THE TOWNSHIP OF WALL TO THE OWNER OF CONTIGUOUS PROPERTY BY MEANS OF A CORRECTIVE DEED, IN ACCORDANCE WITH N.J.S.A. 40A:12-13(b)(3).

WHEREAS, Ordinance No. 4-1988 of the Township of Wall, finally adopted on January 27, 1988, authorized the sale of certain Township owned properties to various individuals who had purchased the same at auction sale; and

WHEREAS, the aforesaid Ordinance authorized the sale of Lot 8 in Block 80 to Barry Jost in consideration for the payment of the sum of \$15,000.00; and

WHEREAS, the aforesaid consideration was paid by the purchaser to the Township in full, but the real property actually conveyed to the purchaser consisted of only a portion of Lot 8 in Block 80, rather than all of Lot 8 in Block 80, as provided in Ordinance No. 4-1988; and

WHEREAS, N.J.S.A. 40A:12-13(b)(3) provides that a municipality may convey by private sale real property not needed for public use when it has previously conveyed its right, title and interest in the property with the assumption and intention that a good and sufficient title in fee simple to said real property had previously been conveyed without the payment of additional consideration where the full consideration has previously been paid to the municipality; and

WHEREAS, the Township Committee finds that Lot 8 in Block 80 is not needed for public use; that Ordinance No. 4-1988 authorized

the conveyance of the entirety of Lot 8 in Block 80 to the purchaser at the auction sale; that less than the entire parcel known as Lot 8 in Block 80 was actually conveyed to the purchaser; and that the remainder of the property known as Lot 8 in Block 80 should now be conveyed to the purchaser as originally intended;

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Wall in the County of Monmouth and State of New Jersey as follows:

Section 1. The appropriate Township officials of the Township of Wall be and are hereby authorized to execute and deliver any Deed or Corrective Deed and any other documents and instruments necessary for the purpose of conveying title in fee to Lot 8 in Block 80 to Barry Jost and William Jost, the prior purchasers of property which formed a portion of Lot 8 in Block 80, subject to the following terms and conditions:

(a) The property to be conveyed is all that certain tract or parcel of land and premises situated, lying and being in the Township of Wall, County of Monmouth, State of New Jersey, being more particularly described as Lot 8 in Block 80 as shown on the Tax Assessment Map of the Township of Wall, and further being of approximate dimensions of 106.80 feet x 20 feet. A metes and bounds description of the property to be conveyed may be substituted for the aforesaid description at the time of conveyance of the property.

(b) Such property shall be conveyed subject to such facts as an accurate survey or physical inspection may disclose, the zoning

ordinance and regulations, easements and restrictions of record. No representations of any kind have been made by the Township of Wall as to the condition of the property, and it is being sold in its present condition "as is".

(c) The property shall be conveyed to the owners of the contiguous property known as Lot 60 in Block 80 and the conveyance is expressly conditioned upon the addition of the property to and merger with the adjoining property, known as Lot 60 in Block 80.

(d) Conveyance shall be by deed of bargain and sale, (without covenants as to grantor). The grantees shall pay, prior to the delivery of the deed, any and all legal fees and publication costs incurred by the Township of Wall in connection with the conveyance of the subject property. The grantees shall be responsible for obtaining and paying their own attorney's fees as well as any title search, title policy and survey costs and shall pay all fees including recording and transfer fees for the deed and any and all other documents that may be recorded or filed in order to effectuate the aforesaid conveyance.

Section 2. The Township Clerk be and is hereby authorized and directed to post a copy of this Ordinance on the bulletin board or other conspicuous place in the Municipal Building and to advertise this Ordinance in a newspaper circulating within the Township within five (5) days after the adoption of this Ordinance in accordance with the provisions of N.J.S.A. 40A:12-1 et seq.

Section 3. The Township Clerk be and is hereby authorized and directed to file with the Director of the Division of Local

Government Services in the Department of Community Affairs an affidavit verifying the publication of the advertisement of this Ordinance.

Section 4. All Ordinances, or parts, thereof, inconsistent with the provisions of this Ordinance, be and the same are hereby repealed to the extent of such inconsistency.

Section 5. Should any section, paragraph, clause or any other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect or impair the remainder of this Ordinance.

Section 6. This Ordinance shall take effect upon its passage and publication according to law.

NOTICE

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading by the Township Committee of the Township of Wall on SEPT. 12, 1990 and will be further considered for final passage and adopted at the Wall Township Municipal Building, 2700 Allaire Road, Wall, New Jersey, on SEPT. 26, 1990 at 8 o'clock p.m., or as soon thereafter as the matter can be reached on the agenda, at which time and place all persons interested therein shall be given an opportunity to be heard, and during the week prior to, and up to and including, the date of such meeting, copies of said Ordinance will be made available at the Clerk's office in the Township of Wall Town Hall to the members of the general public who shall request the same.

BEATRICE M. GASSNER, C.M.C.
Township Clerk